

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.20756 of 1998

O R D E R:

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This writ petition is filed seeking a Mandamus to declare the action of the respondents in not fixing the pay of the petitioner in the pay scale of Rs.810-1420 (pre-revised) and Rs.1995-3020 (revised pay scale of 1993) as illegal and arbitrary, and consequently to direct the respondents to fix pay of the petitioner in the said pay scale from the date of his regularization of service i.e., 01-04-1987.

It is the case of the petitioner that he passed S.S.L.C. and on 20-03-1975, he was appointed as Work Inspector under work charged establishment in the respondent-Corporation on consolidated pay and that after completion of 12 years of service, his services were regularized with effect from 01-04-1987 and his pay was fixed in the pay scale of Rs.740-15-950-1150 (Pre-revised). According to the petitioner, instead of fixing his pay in scale of Rs.810-1420 (pre-revised) and Rs.1995-3020 (revised pay scale of 1993), the respondent-Corporation erroneously fixed his pay in the scale of Rs.740-15-950-1150 (Pre-revised), which is meant for Class IV employees in the respondent-Corporation. It is also stated that the petitioner, who has been working as Non-Technical Work Inspector and has put in 22 years of service, requested the respondent-Corporation for fixation of the correct pay scale i.e., Rs.810-1420 (Pre-revised) and Rs.1595-3020 (revised pay scale of 1993) on par with similarly situated employees and made several representations. However, the respondent-Corporation failed to take any steps in that regard. It is asserted that in Government Departments like P.W.D., Irrigation and Panchayat Raj etc., the pay scale of Rs.810-1420 (pre-revised scale of 1986) and Rs.1595-3020 (Revised pay scale of 1992) is being paid to the persons working as Non-Technical Work

Inspectors as per G.O.Ms.No.288, Finance & Planning Department, (I.Wing.PRC-I) Dept., dated 17-11-1986. It is further stated that along with the petitioner, services of some other employees, who are working as Class IV employees and who need not have any qualifications, i.e., watchman, sweepers and scavengers were regularized with effect from 01-04-1987 and their pay scales were fixed in scale of Rs.740-1150 (Pre-revised).

The grievance of the petitioner, who being designated as Work Inspector with S.S.L.C. qualification, is that the action of the respondent-Corporation in treating his services on par with Class IV employees i.e., watchman, sweepers and scavengers and fixing his pay in the scale of Rs.740-1150 (Pre-revised) is unjust and unfair.

A detailed counter-affidavit has been filed on behalf of the respondents denying the allegations made by the petitioner and it is asserted that the pay scale of Rs.740-1150 was sanctioned to all the work charged employees in the respondent-Corporation and that there is no separate sanctioned strength and cadre of work charged establishment in the respondent-Corporation as in Government Departments. The contention of the petitioner that he was treated on par with sweepers and scavengers who need not have any qualification is denied for the reason that the pay of Messengers/Watchmen among whom there are certain persons with S.S.L.C. or equivalent qualification was fixed in the pay scale of Rs.740-1150. The petitioner, who was appointed on consolidated pay, cannot compare his case with regular employees who were recruited following the procedure as per law against the sanctioned cadre and whose duties and nature of job are entirely different. It is further stated that sanction of pay scale to an employee is not based upon his qualifications but on the post and nature of duties discharged in the establishment.

I have given my earnest consideration to the submissions made by

the learned counsel on either side and perused the material available on record.

At the outset I am of the opinion that the grievance of the petitioner that since he has passed S.S.L.C. he should not have been treated on par with sweepers and scavengers while fixing his pay scale is without any substance.

The relevant portion of Annexure-1 appended to the proceedings dated 02-08-1988 issued by the Zonal Engineer of the respondent-Corporation while fixing pay scale of the petitioner and other employees in the work charged establishment reads as under:

A.P.I.I.C. - REVISED PAY SCALES 1993 ANNEXURE –1

Sl.No	Category	Existing Scale	Proposed Scale (RPS-93)
1	Messenger/Watchman/Sweeper/Messenger-cum-driver/sweeper/-cum-Messenger/Scavenger/MaliGardner Roneo/Operator-cum-Messenger/Head Mazdoor/Non-technical Work Inspector	740-15-950-20-1150	1375-25-1475-30-1625-40-1825-50-2075-60-2375
2	RoneoOperator/Literate Attender/Driver/BluePrint Operator/TechnicalWorks Inspector/SeniorSweeper Sr. Messenger/Sr. Watchman	810-25-1060-30-1420	1595-30-1625-40-1825-50-2075-60-2375-75-2750-90-3020

Even a bare perusal of the above would indicate that the post of Non Technical Work Inspector is included in the Category-1 against the existing pay scale of Rs.740-1150 and the proposed scale is Rs.1375-2375 (Revised Pay Scale of 1993).

Admittedly, the pay of the petitioner, who is working as Non Technical Work Inspector which is included in Category-1, was fixed in the pay scale of Rs.740-1150. In Category-1, as many as ten cadres were sanctioned the revised pay scales. Therefore, the contention of the petitioner that he is entitled to the pay scale of Rs.810-1420 (pre-

revised) and Rs.1595-3020 (revised pay scale of 1993) on par with the employees as in Government Departments like P.W.D. Irrigation and Panchayat Raj has no substance. May be the petitioner is more educated than that of sweepers, scavengers but that does not mean that he is entitled to be treated as Technical Work Inspector as contemplated under Category-II. More so, the petitioner, who was appointed on consolidated pay, is not entitled to the scale as is being given to the employees in regular establishment. In fact, it has been asserted in the counter-affidavit that there is no separate sanctioned strength or cadre for work charged establishment in the respondent-Corporation as in Government Departments. Further the respondent-Corporation itself sanctioned pay scales to the work charged personnel during 1987 and accordingly the pay of the petitioner has been fixed in the scale of Rs.740-1150. Therefore, the grievance of the petitioner is only imaginary and speculative. In view of the same, the writ petition is devoid of merits and the same is liable to be dismissed.

The writ petition is accordingly dismissed. No costs.

_____ (C.V.RAMULU, J)

Date:09-08-2005

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THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.20756 of 1998

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Dated: 08-08-2005

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Between:

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V. Satyanarayana Murthy.

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...Petitioner

And

The Vice Chairman and Managing Director, A.P.I.I.C. and another.

...Respondents

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